



Dorset Council Permit Scheme

For Street and Road Works

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1. Foreword

- 1.1.1. We must maintain, manage, protect and improve the transport network because it is a valuable asset. By making sure the network activities are undertaken safely and efficiently for all our highway users, we can also enable people to make the right transport and route choices. We want those choices to be first and foremost; efficient, sustainable, healthy and convenient.
- 1.1.2. The Dorset Council Permit Scheme is a Single Permit Scheme for the purposes of Part 3 of the Traffic Management Act 2004 (TMA) and the Traffic Management Permit Scheme (England) Regulations 2007 as amended in 2015 (the Permit Regulations).

2. Introduction to the Permit Scheme

2.1. Introduction

- 2.1.1. A Permit Scheme is an important development for Dorset Council and the surrounding area. The development of the scheme shows how the Council, working together with communities and stakeholders, expects to support and deliver the wider aims and priorities that the area has, by investing in the management of its transport network.
- 2.1.2. This includes coordinating essential works, supporting businesses, economic growth, getting people into work, getting children safely to school, improving air quality and protecting and enhancing our unique natural and built local environments.

2.2. Background

- 2.2.1. Part 3 of the Traffic Management Act 2004 (TMA) introduced Permit Schemes as a new way in which activities in the public highway could be better managed and to improve Authorities' abilities to minimise disruption from street and road works.

2.3. The Permit Scheme

- 2.3.1. This Permit Scheme, to be known as the Dorset Council Permit Scheme, and hereinafter referred to as the 'Permit Scheme', is made under Part 3 of the TMA and the Traffic Management Permit Scheme (England) Regulations 2007, (the Regulations), and has been prepared with regard to the Statutory Guidance issued by the Secretary of State to assist Highway Authorities wishing to become Permit Authorities and in accordance with the requirements set out in the Regulations.
- 2.3.2. The Permit Scheme will be operated solely by Dorset Council as a Single Permit Scheme.
- 2.3.3. All current New Roads and Street Works Act (NRSWA) and Traffic Management Act (TMA) legislation, codes of practice, etc. and any future amendments to that legislation, apply to this Permit Scheme.

- 2.3.4. Dorset Council recognises the local economic benefits of nationally significant infrastructure projects, including the improved timing, coordination and delivery of activities for the roll out of the Superfast Broadband project and any other significant projects in the area. We are committed to ensuring that the commencement of the Dorset Council Permit Scheme will not have a detrimental impact on the implementation of any such projects within, or adjacent to, the Permit Scheme area.
- 2.3.5. In accordance with Regulation 4 (g) it is intended that the Permit Scheme is going to start operation on 16th January 2020.

2.4. Permit Scheme Compliance

- 2.4.1. The Dorset Council Permit Scheme has been developed and is, in accordance with the powers provided in Part 3 of the Traffic Management Act 2004 ('TMA') and the Traffic Management Permit Scheme (England) Regulations 2007 ('the Regulations'), Statutory Instrument 2007 No. 3372 made on 28 November 2007, as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, Statutory Instrument 2015 No. 958 made on 26 March 2015 ('the Regulations').
- 2.4.2. In preparing this Permit Scheme, Dorset Council (hereafter referred to as 'the Permit Authority') have had regard to the guidance issued by the Secretary of State and the Department for Transport the Statutory Guidance for Highway Authority Permit Schemes (October 2015) and the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (March 2015).
- 2.4.3. The Permit Authority has additionally referred to the supporting documents like 'Advice Note For local highway authorities developing new or varying existing permit schemes' (June 2016) issued by DfT, 'HAUC (England) Guidance; Operation of Permit Schemes' (Feb 2017) issued by HAUC, in anticipation of pragmatic discharge of the Permit Authority's duties.
- 2.4.4. Dorset Council permit scheme will take into consideration any future amendments to regulations, Code of Practice for Coordination of Street Works, and system changes (Street Manager) and will ensure the operation of permit scheme complies with the new changes as and when the changes come into effect.

2.5. The Permit Authority

- 2.5.1. The Permit Scheme will be operated as a Single Permit Scheme by Dorset Council, as the Highway Authority for Dorset Council, hereinafter referred to as the 'Permit Authority'.

2.6. Activities

- 2.6.1. For consistency, the generic term "activities" has been used rather than "works" to reflect the fact that the Scheme may eventually cover more than street and road works in subsequent Regulations. These are the specified works as set out in the Regulations.

2.6.2. The term ‘Promoters’ will be used for both Statutory Undertakers (including Utility companies) and Dorset Council Highway Authority. The present Permit Regulations provide for permit schemes to include both street works by statutory undertakers, as defined in NRSWA (this excludes street works licensed under S50 of NRSWA), and highway works, defined in S83 of NRSWA as works for road purposes. Although the term “works” is used generically in the Regulations, “activities” is used in this guidance to encompass both types of works and anticipates subsequent sets of regulations which may extend the scope of permit schemes to other activities on the street.

2.6.3. Authorities preparing permit schemes must include both highway and statutory undertakers’ works. All activities comprising “registerable works” in terms of the 2007 Notices Regulations under NRSWA should be included.

2.6.4. A glossary of the main terms contained within this document is provided in Appendix A.

2.7. Permit

2.7.1. Any promoter proposing specified activities on a specified street within the scope of the scheme must obtain a Permit from the Permit Authority. The Permit will allow the applicant to:

- i. Carry out the specified activity;
- ii. At the specified location;
- iii. Between the dates shown and for the duration shown on the Permit;
- iv. Between the start and end times shown (if appropriate);
- v. Subject to the conditions that may be attached to the Permit.

2.8. Relationship to NRSWA

2.8.1. Permit schemes provide an alternative to the ‘notification system’ of the New Roads and Street Works Act 1991(NRSWA) and differs from existing powers for managing activities on the street in number of key respects:

- i. Rather than informing the authority of the promoters’ intentions, permit schemes may be envisaged as schemes to book occupation of the street for specified periods and for a specified purpose.
- ii. highway authorities’ activities undertaken by itself, its partners or agents are included.
- iii. conditions which impose constraints on the dates and times of activities and the way that work is carried out can be attached to permits.
- iv. the authority’s control over variations to the permit conditions, particularly time extensions, gives a greater incentive to complete activities on time.

2.8.2. Permit schemes will replace parts of NRSWA, particularly the notices related to section 54 (advanced notice of certain works), section 55 (notice of start of works) and section 57 (notice of emergency works) (see Appendix B - Disapplied Sections from the NRSWA (1991) and Appendix C - Modifications to NRSWA (1991)).

2.8.3. Where necessary, promoters must also submit any notices required by those sections of NRSWA not disapplied in the permit regulations. Details of these can be found in the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters.

2.9. Equivalent definitions

2.9.1. As the Permit Scheme will operate alongside the NRSWA noticing system, the same or equivalent definitions and requirements are used as in the NRSWA notice system, namely:

- Registerable activities/works
- Categories of activities/works, (Major, Standard, Minor and Immediate activities/works)
- Street gazetteers, including street referencing by means of a Unique Street Reference Number (USRN) and Associated Street Data (ASD)
- Street reinstatement categories as defined in the NRSWA Reinstatement Specification
- Streets designated as Protected Streets, streets having Special Engineering Difficulties, (SED), or a Traffic Sensitive Street

3. Objectives of the Scheme

3.1. Key Objectives

3.1.1. All activities on highways have the potential to reduce the width of the street available to traffic, pedestrians and other users and have the potential to also inconvenience businesses and local residents.

3.1.2. The scale of disruption caused is relative to the type of activities being undertaken and the capacity of the street. Activities where the traffic flow is close to, or exceeds, the physical capacity of the street will have the potential to cause congestion, disruption and delays.

3.1.3. The objective of Dorset Council Permit Scheme is to improve the strategic and operational management of the highway network through better planning, scheduling and management of activities to minimise disruption to any road or footway user.

3.1.4. Dorset Council Permit Scheme will enable better coordination of activities throughout the highway network. This links into Dorset Councils Service priorities of reducing traffic congestion and supporting safer travel.

3.1.5. The objectives and benefits of Dorset Council Permit Scheme are:

- Reduced disruption on the road network
- Improvements to overall network management
- A reduction in delays to the travelling public
- A reduction in costs to businesses caused by delays
- Incentivise work promoters to collaborate
- Promotion of a safer environment
- Monitoring and reporting parity of treatment for all activity promoters.

3.1.6. The Permit Scheme objectives will be facilitated by improving performance in line with the Authorities' Network Management Duty in relation to the following key factors:

- Enhanced coordination and cooperation
- Encouragement of partnership working between the Permit Authority, all Promoters and key stakeholders
- Provision of more accurate and timely information to be communicated between all stakeholders including members of the public
- Promotion and encouragement of collaborative working
- Improvement in timing and duration of activities particularly in relation to the busiest streets within the network
- Promotion of dialogue with regard to the way activities are to be carried out
- Enhanced programming of activities and better forward planning by all Promoters

4. Forward Planning Information

4.1. Planning

4.1.1. Activity promoters are strongly encouraged to give forward planning information about road or street works in their long-term programme, which may include those activities in their annual operating programme, or three or five-year rolling programmes.

4.1.2. It is understood that at such an early point, it may be difficult to provide an accurate description of the activities and the timeline. However, including very disruptive activities early in the permits register, even with a broader timeline, will enable the promoters to consider collaborative working and highlight other associated activities that may need to be carried out alongside the Major activities.

4.1.3. The Forward Planning Information can be sent electronically. The technical specification for electronic transfer of notices defines a Forward Planning Information Notice. Promoters are advised to use this notice to provide information to the Permit Authority.

4.1.4. Forward Planning Information does not remove the need to apply for a Provisional Advance Authorisation or a permit at the appropriate time. The aim of the Forward Planning Information is to promote collaboration and better coordination among promoters and the Permit Authority.

5. Scope of the Permit Scheme

5.1. Area Covered by the Permit Scheme

5.1.1. The Permit Scheme applies within the administrative boundaries of Dorset Council

5.2. Definition of the term “Street”

5.2.1. For the purposes of the Permit Scheme, the term “street” refers to that length of road associated with a single Unique Street Reference Number (USRN).

Where a single street on the ground has more than one USRN, separate Permits will be required for each USRN to which an activity relates.

5.3. Streets Covered by the Permit Scheme

5.3.1. The Permit Scheme will apply to adopted and publicly maintainable streets identified on the National Street Gazetteer (NSG).

5.3.2. The Permit Authority will create, maintain and publish the Street Gazetteer to Level 3.

5.3.3. The Street Gazetteer will be maintained and updated with relevant information. The Street Gazetteer will be available to all Promoters via the National Street Gazetteer Concessionaire’s website.

5.4. Streets Not Covered by the Permit Scheme

5.4.1. Streets that are not highways maintainable at public expense or private streets under S53 are not included in the Permit Scheme.

5.4.2. Motorways and trunk roads for which Highways England is the Highway Authority are excluded from the Permit Scheme.

5.4.3. Where a street is expected to become a maintainable highway, controls on specified activities under the Permit Scheme will only apply after the street has become a maintainable highway.

5.5. Street Gazetteer

5.5.1. The Permit Authority will publish and maintain the record of all streets on which the Scheme will operate. The gazetteer will include the Unique Street Reference Number (USRN) and Additional Street Data (ASD) in the information format defined in technical specification for electronic transfer of notices.

5.5.2. Certain streets are designated as being subject to special controls. The four categories of street identified by the Permit Authority as subject to special controls are:

- i. Protected streets.
- ii. Streets with special engineering difficulties.
- iii. Traffic sensitive streets.
- iv. Streets subject to early notification of immediate activities.

5.5.3. The Permit Authority will maintain and update street designations and publish the information from time to time.

6. Activities Covered by the Permit Scheme

6.1. Activities Requiring a Permit

6.1.1. The Scheme controls the following activities undertaken on the public highway:

- i. Street Works as in Part 3 of NRSWA, defined by S48, except for works by licensees under S50 of NRSWA; and
- ii. Works for Road Purposes as defined by S86 of NRSWA – maintenance and improvement to the road itself carried out by, or on behalf of, the highway authority; and
- iii. Major Highway Works (including Developer activities under Section 278 of the Highways Act 1980).
- iv. Other activities that may be introduced under future regulations.

6.1.2. The following activities defined in the Regulations as specified works are Registerable for all Promoters and information related to them has to be recorded on the register. These activities can only be carried out with a valid permit:

- i. All activities that involve the breaking up or resurfacing of any street, (but see below for pole testing involving excavation);
- ii. All activities that involve the opening of the carriageway or cycleway of traffic-sensitive streets at traffic sensitive times;
- iii. All activities that require the use of any form of temporary traffic control as defined in the Code of Practice for Safety at Street Works and Road Works;
- iv. All activities that reduce the number of lanes available on a carriageway of three or more lanes;
- v. All activities that require a temporary traffic regulation order or notice, or the suspension of pedestrian crossing facilities;
- vi. All activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time.

6.2. Works for Road Purposes

6.2.1. The requirements of the Permit Scheme apply equally to both works undertaken by the Highway Authority and Statutory Undertakers with the one exception, that fees will not be charged for Permits issued for the Highway Authority's own works for road purposes.

6.2.2. To demonstrate parity of treatment for all Promoters, particularly between the Highway Authority and Statutory Undertakers, Key Performance Indicators will be used.

6.2.3. Highway Authorities and Promoters of works for road purposes must ensure that they have followed the equivalent Provisional Advance Authorisation (PAA) and Permit application processes for activities.

6.3. Street Lighting

6.3.1. The definition of works for road purposes may include some activities carried out by Undertakers, such as street lighting. It is for Promoters to ensure that Permit applications for such activities are made and that the activity is registered, as appropriate.

7. Exempt Activities

7.1. Exempt Activities

7.1.1. Certain types of activities are exempt from requiring a Permit.

7.2. Non-registerable Activities

7.2.1. The following activities are non-registerable:

- i. Traffic Census Surveys - Traffic census surveys have deliberately not been included as disclosure of this information prior to a census taking place can encourage a change to the normal pattern of traffic flows.
- ii. Pole testing - Pole testing does not require pre-registration and, therefore, does not need a permit unless one or more of rules from 6.1.2(ii)-6.1.2(vi) above apply. However, where an associated excavation has taken place, the work must be registered using section 70(3) under NRSWA for the purposes of reinstatement inspections within 10 days of completion.
- iii. Fire service vehicles - Fire service vehicles occasionally need to be parked adjacent to fire hydrants when these are being tested. These operations are exempt from the requirement to obtain a permit, provided the work is done outside traffic sensitive periods.
- iv. Core Holes - Core holes not exceeding 150 mm in diameter do not require registration in advance, unless one or more of rules from 6.1.2 above apply.
- v. Road Markings - Road Markings that are not part of other registerable activity and unless the activity infringes any of the rules from 6.1.2 above apply.

7.2.2. Where a promoter is using portable light signals and the heads are located on a road that is not part of the main works, but the traffic signals are placed on a traffic sensitive street or boundary, a permit request will be sent to the Permit Authority for coordination purposes. No fee will be charged for this permit. This is in accordance with HAUC(England) Advice Note 2017/03 "Notification of Portable Traffic Signals (PTS) on adjacent streets".

7.2.3. Other activities that do not require a Permit:

- Replacing manhole or chamber covers - that do not involve breaking up the street
- Replacing poles, lamps, columns or signs in the same location where that does not involve breaking up the street
- Bar holes

7.3. Bar Holes

7.3.1. Bar holes are used to detect and monitor gas leaks. When bar holes are carried out and it is known that no further activity in the street is required (such as when a gas leak is reported but none detected), a registration under s70 (3) of NRSWA should be sent within 10 days, once final monitoring checks have been established. The bar holes will count as a single excavation and reinstatement for registration purposes.

7.3.2. An immediate permit must be sent within two hours of the start of any other registerable street works to repair any fault, involving excavation or activities

defined in 6.1.2 above associated with the bar holes. All bar holes must be reinstated and registered when work on site is complete.

7.4. Activities not requiring a Permit before they start

7.4.1. Immediate activities do require a Permit but as such works are concerned with emergency or urgent situations, a Promoter can start work before applying for a Permit provided they apply for a Permit within 2 hours of the works commencing.

7.4.2. If the work commences out of working hours, then a Permit must be applied for by 10 am the next working day.

7.5. Activities for which no Permit is required

7.5.1. Activities executed in a street pursuant to a street works licence issued under Section 50 of the NRSWA are not included in the Permit Scheme but will have to follow the normal NRSWA procedures.

8. Permits - General

8.1. Requirement to obtain a Permit

8.1.1. Any Promoter of specified activities who wishes to carry out such an activity on a specified street must obtain a Permit from the Permit Authority. The Permit will allow the Promoter to:

- Carry out the specified activity
- At the specified location
- Between the dates shown and for the duration shown
- Subject to any conditions that may be attached or required

8.2. Application requirements

8.2.1. Each application for a Permit must include the information indicated in Section 13.

8.3. Activities covering several streets

8.3.1. An application can only be for one street.

8.3.2. Where the specified activity involves a number of specified streets, a separate PAA or Permit will be required for each street.

8.3.3. Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications.

8.3.4. Fees for specified activities which involve several Permits will be discounted where the applications are submitted together.

8.4. Phasing of Activities

8.4.1. One Permit can only relate to one phase of an activity. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works, for

example a separate Permit would be required for interim, permanent and remedial reinstatements.

8.4.2. The dates given in a Permit application and in the issued Permit will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site and the highway is returned to full use.

8.4.3. A Promoter should clarify when an activity is to be carried out in phases on the application. Each phase will require a separate Permit and, if a Major activity involving asset activity also a PAA, which will be cross referenced to the other Permits.

8.4.4. Phased activities must relate to the same works, with applications submitted using the same works reference.

8.5. Linked activities

8.5.1. Where linked activities are carried out at separate locations in the same street they will be treated as belonging to the same set of works

8.5.2. If an activity involving more than one street forms part of one project in management and contractual terms, separate Permits and Provisional Advance Authorisations must be obtained for each street.

8.5.3. Customer connections associated with the installation of a new main or cable run or the replacement or renewal of existing assets will be considered to be linked activities when the work is completed as a single occupancy of a single street. If an activity relating to the installation of customer connections is undertaken at a later date then the Promoter shall apply for a separate Permit.

8.6. Interrupted activities

8.6.1. In the event of an activity being interrupted and delayed, for instance due to damage to a third party's plant or while missing apparatus is acquired, it is the responsibility of the Promoter to contact the Permit Authority to agree what action should be taken.

8.6.2. Where the Permit Authority is satisfied that the excavation can remain open while the repairs are implemented or the equipment obtained, then a variation will be required and an extension to the Permit will be granted.

8.6.3. However, where the Permit Authority considers that the opening should be reinstated, and the road returned to full traffic use, if safe to do so, then the Promoter will need to apply for a further Permit to complete the work at a later date. A Permit fee may be charged for the new Permit.

8.7. Cross Boundary Activities

8.7.1. Where a project with activities in more than one street straddles the boundary between the Permit Authority and an adjacent Permit Authority, separate Permit applications, including any PAA, should be submitted to both Authorities.

8.7.2. If a cross boundary project involves activities on a street of a Street Authority operating a notice system under NRSWA, then the Permit application to the Permit Authority should identify the activity in the other Authority area so that the Permit Authority can liaise with them.

8.7.3. A single project reference should be included on applications and all notices so that both Authorities can consider the impact and coordinate the activities together.

8.8. Collaborative working

8.8.1. The Permit Authority encourages collaborative working between Promoters for both street works and works for road purposes. It is accepted that there are often issues in such arrangements, particularly contractual complications. Nevertheless, every opportunity should be sought to minimise the disruption to users of the highway.

8.8.2. Where two or more Promoters decide to enter into such arrangements, one promoter needs to take on the role of the Primary Promoter with the overall responsibility for the activities and will be the point of contact with the Permit Authority. While the Secondary Promoter(s) will be required to make a Permit application for the activity for which they are responsible, only the Permit application made by the Primary Promoter will need to show the number of estimated inspection units.

8.8.3. The Primary Promoter's Permit application should give details of the other Promoter(s) involved and the extent of the collaborative working.

8.8.4. The Primary Promoter should also ensure that the estimates of works duration are agreed and confirmed with the Secondary Promoter(s) when submitting the PAA and/or Permit applications. This is necessary in order to comply with the overrun charging requirements in the Permit and NRSWA Regulations.

8.8.5. While the Permit Authority will issue Permits to all the Promoters involved, not just the Primary Promoter, the fees will be discounted to reflect the collaborative approach.

8.9. Remedial works

8.9.1. In the event of remedial works being required after the expiry of a Permit, an application must be made for a new Permit. This Permit must be cross referenced to the Permit using the Works Reference Number for the original activity.

8.10. Start and end dates

8.10.1. In relation to category 0, 1, 2, and traffic-sensitive streets the planned commencement date and finishing date for the activity are the start date and end dates respectively on the permit. The permit will not be valid before the start date on the permit and will cease to be valid once the end date has passed unless a variation is granted.

8.10.2. In category 3 and 4 streets that are not traffic-sensitive, the Permit will be issued with a start and end date and duration for the activity which is set as a condition. The start date of the Permit will be the proposed start date of the activity. However, because both competition for space and the expected level of disruption is likely to be lower on less busy streets, there will be flexibility on the start of the activity - a “starting window” - equivalent to the validity period on a NRSWA notice. The starting windows are:

- 5 days for Major and Standard activities
- 2 days for Minor activities.

The Permit end date will therefore allow for the set duration to be completed if the activity starts on the last day of the starting window.

8.11. Early start

8.11.1. The Permit Authority will consider a Promoter’s request for an early start before or after applying for a Provisional Advance Authorisation or a Permit application.

8.11.2. Where this is agreed, the Promoter shall submit a variation to a Permit, or in the case of a Provisional Advance Authorisation, include the revised dates on the application for the Permit. If the Permit has already been granted or deemed, a variation charge will apply.

8.11.3. A reference number will be issued by the Permit Authority, and needs to be quoted on the Permit application or Permit variation application.

8.11.4. Requests for early starts may or may not be agreed by the Permit Authority at their discretion but will not be unreasonably refused, and it is the responsibility of the Promoter to satisfy the Permit Authority as to the necessity for any proposed early start.

8.12. Request for an Early Start

8.12.1. When a promoter wishes to commence an activity at shorter notice than the minimum application period, the promoter should telephone the Permit Authority. Depending on whether the request is made before or after submitting an application, 8.12.2 or 8.12.3 will apply.

8.12.2. When it is known an early start is required before an application has been submitted, an application must be submitted containing the dates the promoter proposes to work including notification comments explaining the reason behind the early start request. The promoter should telephone the Permit Authority to make them aware of the request, especially where the Permit Authority response period is after the requested start date. The Permit Authority will then grant the permit if they accept the early start or refuse the permit if the justification is not valid, or road space is not available.

8.12.3. When an application has already been submitted and then an early start is required, a permit variation must be submitted requesting the new dates for the proposed work including notification comments explaining the reason behind the

early start request. The promoter should telephone the Permit Authority to make them aware of the request, especially where the Permit Authority response period is after the requested start date. The Permit Authority can then grant the permit if they accept the early start or refuse the permit if the justification is not valid, or road space is not available.

- 8.12.4. There can be a circumstance where the Permit Authority may request the promoter for an early start. In such case, the Permit Authority will specify the reason for this request. In these cases, the permit authority would take the lead coordinating this request, however in some cases it may be more prevalent for the activity promoter to be the primary contact.

8.13. Charges for over running street works

- 8.13.1. Charges for over running street works, under Section 74 of the NRSWA, will be made alongside the Permit Scheme although these regulations are modified to incorporate the process of setting and modifying the duration of the activity through the Permit application, approval and variation processes.

8.14. Working without a Permit

- 8.14.1. It is an offence for a Promoter or a person contracted to act on its behalf to undertake activities without a Permit, except to the extent that the Permit Scheme provides that this requirement does not apply.
- 8.14.2. Where it is believed that such an offence is being committed, the Permit Authority may issue a fixed penalty notice and require the party concerned to remove the works and return the street to full use.

9. Permit Types

9.1. Types covered by the Permit Scheme

- 9.1.1. There are two types of Permit covered by the Permit Scheme:
- Provisional Advance Authorisation (PAA)
 - Permit

9.2. Provisional Advance Authorisations

- 9.2.1. A PAA replaces the Advance Notice under Section 54 of NRSWA.
- 9.2.2. PAAs are a means of enabling Major activities to be identified, coordinated and programmed in advance by allowing activities to be provisionally reserved by the Permit Authority pending the Permit Authority's subsequent decision on whether, and with what conditions, to grant a Permit for the activities.
- 9.2.3. The activity promoters must apply for a Provisional Advance Authorisation for Major activities at least three months before the proposed start of Major activities unless the Permit Authority agrees to a shorter period. (refer to Appendix D, for application and response times). Provisional Advanced Authorisation applications are only required in relation to Major activities. Standard, Minor and Immediate activities do not require an application for a Provisional Advance Authorisation.

- 9.2.4. Subsequent applications for Permits for Major activities that have not been preceded by a PAA, will not, except in exceptional circumstances, be accepted by the Permit Authority.
- 9.2.5. Each application for a PAA will be limited to one street.
- 9.2.6. It is understood that at this stage all the details will not necessarily be known but the PAA application must include sufficient information to allow the Permit Authority to assess the application. This should contain, at a minimum, the following information:
- i. location of activity;
 - ii. proposed start and end dates;
 - iii. an outline description;
 - iv. times of working, including hours of the day and any weekend provisions;
 - v. the road space occupancy;
 - vi. method of working;
 - vii. traffic management.
- 9.2.7. The Permit Authority may, for complicated works or highway locations such as multiway junctions or roundabouts, request a Traffic Management drawing to be sent before a permit application. This will enable the activity promoter and the Permit Authority to coordinate the activity better by allowing adequate time for assessment.
- 9.2.8. A fee will be charged for each Provisional Advance Authorisation in addition to any subsequent Permit fee (see Appendix E). The fee for a PAA is chargeable upon receipt of the associated permit application (see Appendix E). The Permit Authority has the discretion to reduce the charge where Provisional Advance Authorisations are submitted for schemes that involve multiple neighbouring streets as part of a planned and coordinated programmes of works.
- 9.2.9. A copy of the Provisional Advance Authorisation will be provided by the promoter upon request to any person identified as having apparatus in the street to which the Provisional Advance Authorisation relates.
- 9.2.10. The Permit Authority, as the organisation responsible for the register, will provide information relating to S50 Licences and assets maintained by the Highway Authority.
- 9.2.11. The Permit Authority will carry out tasks compliant with the duty to coordinate activities. If an owner of apparatus contacts the Permit Authority to request information, additional to that circulated from the register, then the request will be forwarded to the promoter.
- 9.2.12. The granting of a Provisional Advance Authorisation will not prevent the Permit Authority from subsequently refusing to grant a Permit for the specified activity proposed in the Provisional Advance Authorisation.

9.3. Permits

- 9.3.1. A permit, by definition, is an authorisation from the Permit Authority which permits certain specified activities to be carried out on a single specified street for a specified duration. The application period for Permits will depend on the type of activities. For application and response times, refer to Appendix D.
- 9.3.2. A copy of the Permit application will be provided by the promoter upon request to any person having apparatus in the street to which the Permit application relates.
- 9.3.3. The Permit Authority will provide information relating to S50 Licences and assets maintained by the Highway Authority.
- 9.3.4. If an owner of apparatus contacts the Permit Authority to request information, additional to that circulated from the register, then the request will be forwarded to the promoter.

10. Permit Classes

10.1. Classes covered by the Permit Scheme

- 10.1.1. There are four categories of Permit with The Permit Scheme:
- i. Permit for Major Activities
 - ii. Permit for Standard Activities
 - iii. Permit for Minor Activities
 - iv. Permit for Immediate Activities

10.2. Permit for Major Activities

- 10.2.1. Permits for Major activities will require the promoter to obtain a Provisional Advance Authorisation as part of the application.
- 10.2.2. Major activities are activities which:
- i. Have been identified in an organisation's annual operating programme or which have been normally planned or known about at least six months in advance of the proposed date of the activity; or,
 - ii. Other than Immediate activities, require a temporary traffic regulation order, (i.e. not a temporary traffic notice), such as a temporary road closure under the Road Traffic Regulation Act 1984 for any other activities; or,
 - iii. Other than Immediate activities, have duration of 11 working days or more.
- 10.2.3. Major activities are split into 3 sub-categories:
- Over 10 days and all major works requiring a traffic regulation order
 - Works 4 to 10 days and meeting the requirements detailed in 10.2.2 above
 - Up to 3 days and meeting the requirements detailed in 10.2.2 above
- 10.2.4. For Major activities, the promoter must apply for a permit in accordance with the timescales set out in Appendix D. If the proposed start and end dates are different from those in the Provisional Advance Authorisation, then the applicant must explain and justify the reason for the variation.

10.2.5. Applications for Major activities will not be accepted by the Permit Authority unless a Provisional Advance Authorisation application has been previously submitted.

10.2.6. Major activities will be subject to conditions.

10.3. Permit for Standard Activities

10.3.1. Standard activities are activities, other than Immediate or Major activities, that have a planned duration of between 4 and 10 working days inclusive. Activities lasting less than 10 working days but which require a traffic regulation order will be classified as Major activities.

10.3.2. An application for a Standard Activity Permit shall be submitted to the Permit Authority in accordance with the timescales set out in Appendix D and must include a description of the proposed activity together with the proposed start and end dates of the activity.

10.3.3. Standard activities will be subject to conditions.

10.4. Permit for Minor Activities

10.4.1. Minor activities are activities, other than Immediate or Major activities, that have a planned duration of 3 working days or less. Activities lasting 3 working days or less but which require a traffic regulation order will be classified as Major activities.

10.4.2. An application for a Minor activity Permit shall be submitted to the Permit Authority in accordance with the timescales set out in Appendix D and must include a description of the proposed activity together with the proposed start and end dates of the activity.

10.4.3. Minor activities will be subject to conditions.

10.5. Permit for Immediate Activities

10.5.1. Immediate Activities are either:

1. emergency works, which are defined in section 52 of NRSWA, are works required to end, or prevent, circumstances, either existing or imminent, that might cause damage to people or property. This applies to both street works and works for road purposes which fall within the definition of activities. The term also includes activities not falling within that definition but which cannot be severed from those that do - such as activities away from the emergency site that are necessary to shut off or divert a supply. Remedial works to dangerous defective reinstatements are classed as emergency works (but there will be a need to cross reference these to the permit given for the parent activity); or,
2. urgent activities are defined in the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as activities:

- a. (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required):
 - i. to prevent or put an end to an unplanned interruption of any supply or service provided by the promoter;
 - ii. to avoid substantial loss to the promoter in relation to an existing service; or,
 - iii. to reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and,
- b. includes works that cannot reasonably be severed from such works.

10.5.2. Given the nature of Immediate activities, work may commence without a Permit. However, where it is necessary to carry out excavation in the Highway, Promoters of such activities must contact the Permit Authority by telephone immediately if identified on the NSG.

10.5.3. Where the activity is identified within the normal working day (i.e. after 08.00 hours and before 16.30 hours), a Permit application must be made as soon as reasonably practicable and, in any event, within two hours of the activity starting.

10.5.4. If work starts outside of working hours, an application for a Permit must be submitted by 10am the next working day.

10.5.5. If the Permit Authority disputes whether an activity, or part of an activity, is immediate, the Promoter must demonstrate conclusively that it is.

10.5.6. Where the promoter determines the need to carry out unplanned activities on a specified street as indicated on the ASD as vulnerable, they should contact the Permit Authority immediately, by telephone. If this occurs out of hours, the Permit Authority should be contacted within the first two hours of the next working day by telephone.

10.5.7. Immediate activities will be subject to conditions.

11. Permit Applications

11.1. Timing of Applications

11.1.1. The timing of applications for Permits and PAAs and the Permit Authority's response will vary according to the proposed activity. The minimum times are given in Appendix D and Promoters should give as much notice as possible to ensure that the coordination process can be facilitated effectively.

11.1.2. Where the activity is dependent on a Temporary Traffic Regulation Order (TTRO), temporary traffic signal approval, or the suspension of parking regulations, the relevant timescales should be taken into account by the Promoter, information in Appendix G should be taken into account and applicants

are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA.

- 11.1.3. The application process will begin at the time of receipt of the application by the Permit Authority. The electronic permit application system will provide an auditable record of when an application was received.
- 11.1.4. The Permit Scheme sets down the application and response times for dealing with Permit applications and variation applications in Appendix D.
- 11.1.5. In all cases given in Appendix D, the time period is measured from the time of receipt of the application by the Permit Authority.
- 11.1.6. A “response” means a decision to grant, refuse or request a Permit Application Modification Request. Where there are reasons why the Permit cannot be granted in the terms applied for, the response indicating that a Permit will not be granted in those terms will explain the reasons to the applicant.

11.2. Submitting an Application

- 11.2.1. Permit and PAA applications must be made electronically on the current permit system in use at the time of the application - EToN, or any new system that will be adopted in future such as Street Manager, unless there is a failure in the electronic system in which case a paper or email application will be acceptable.

11.3. Failure in the system for electronic transfer of notices

- 11.3.1. Where there is failure in the system for electronic transfer of notices by either the promoter or the Permit Authority, the procedure for “Handling System Unavailability” contained within the technical specification for electronic transfer of notices should be adopted.
- 11.3.2. In the event of a system failure, Promoters shall adopt the following procedure:
 - Where after three attempts to give an application or a notice electronically (duly recorded by the person serving the application or notice), the application or notice cannot be given, notification should be given by telephone, email or fax for Immediate activities with formal electronic application or notice following as soon as reasonably practicable
 - Other applications or notices may be given by other electronic means, (e.g. e-mail or fax), or may be sent by post or delivered by any other method agreed with the Permit Authority
 - Following recovery of the service a copy of the application or notice should be sent through electronically to ensure information on the activities is correctly recorded in the register
 - Where applications or notices are sent by post or delivered by any other method agree with the Permit Authority, Promoters should take into account that there is no guarantee that they will be delivered to the Permit Authority the next day
 - A delivery mechanism that includes a delivery receipt is recommended

11.3.3. In regard to variations during a system failure, Promoters should also make contact with the Permit Authority by telephone.

11.3.4. The Permit Authority will issue an individual reference number. This number must be displayed on an electronic application following recovery of service to ensure correct cross-referencing.

11.3.5. Fixed Penalty Notices (FPNs), Section 74 charges and any other penalties that result due to system failures may be waived. However, the promoters shall inform the Permit Authority about system failures and get an agreement to avoid FPNs and Section 74 charges.

11.4. Compliance with electronic transfer of notices

11.4.1. All applications (even when made by paper) must comply with the definitive format and content given in the current technical specification for electronic transfer of notices at the time of application.

11.5. One Application Per Street

Each application shall only refer to activities in one street. If a project covers more than one street, see 11.6.1. Single applications containing activities in more than one street will not be accepted by the Permit Authority.

11.6. Activities Covering Several Streets

11.6.1. Where the specified activity involves a number of specified streets, a separate permit will be required for each street. Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications.

11.6.2. Fees for specified activities which involve several permits, such as major projects, will be considered for discounted permits where early engagement is undertaken with the Permit Authority (more than three months notice) and where the applications are submitted together. For consistency with NRSWA, a street will correspond to a USRN.

11.7. Notification to Interested Parties

11.7.1. Where the ASD indicates other interested parties, the promoters should copy their Permit applications to those parties. Promoters are required to check whether any parties have registered such an interest prior to submitting an application for a Permit or PAA.

11.8. Consultation Requirements

11.8.1. Promoters must carry out necessary consultation as set out in S88, S89 and S93 (as amended) and S90 and S91 of the NRSWA.

11.9. Permit Application and Response Times

- 11.9.1. The Permit Scheme application and response times for dealing with Provisional Advance Authorisation Permit applications and variation applications are set out in Appendix D.
- 11.9.2. The Permit Authority has the right to refuse or request a modification to an application for a Permit where it considers that elements of an application are not acceptable (e.g. timing, location, description, proposed method, dates or conditions, etc.). The Permit Authority will inform the promoter within the timescale set out in Appendix D and explain the reasons for refusal and the amendments required.

11.10. Restrictions on Further Activities

- 11.10.1. Where a promoter wishes to apply for a permit to carry out specified activities on a specified street where a S58, S58A or S61 of NRSWA is in force, and the activities are not covered by the specific exemptions of that notice, the promoter must make an application for the Permit Authority's consent specifying the grounds on which the consent is sought. This condition applies to all promoters, in the interests of parity.

11.11. When Non-Specified Activities Become Specified Activities

- 11.11.1. If a non-specified activity changes, such that a Permit becomes required then the activity promoter should telephone the Permit Authority and it may be requested that the activity is stopped and a Permit application made. The Permit Authority may require that the highway be reinstated and all works leave site whilst the Permit application process proceeds. The timescales for application and response will be as set out in Appendix D.

11.12. Error correction

- 11.12.1. Where the Permit Authority identifies an error in data recorded in, or submitted for recording in, the Permit register, it will contact the Promoter to discuss and agree the corrections to be made.
- 11.12.2. Where the Promoter identifies an error, they will contact the Permit Authority to discuss and agree the corrections to be made. If an error has been identified on an application, the Promoter shall submit a permit variation request by the end of the next working day following the agreement of the correction.
- 11.12.3. This permit variation request should include the corrected data and the name of the person in the Permit Authority who agreed that the correction should be made.
- 11.12.4. The error correction process must follow the process as set out in the electronic system in use at the time of the application.
- 11.12.5. This procedure cannot be used without the prior agreement of both parties.
- 11.12.6. A variation fee will be payable where the identified error has been caused by the Promoter.

12. Information Required in a Permit Application

12.1. Permit Authority requirements

12.1.1. To enable the Permit Authority to determine the granting of a Permit and any conditions that may be attached to the Permit, Promoters may be required to supply the following information which is covered in more detail below:

- Reference Number
- Contact details
- USRN
- Description of activity
- Location
- Timing and duration
- Illustration
- Technique to be used for belowground activities
- Traffic management and traffic regulation orders
- Depth
- Reinstatement type
- Inspection units

12.1.2. In the case of Provisional Advance Authorisation applications, the Promoter should provide the most accurate information available at the time of making the application.

12.1.3. Quality of the information provided will allow the Permit Authority to make an informed decision and coordinate the activity effectively.

12.2. Reference Number

12.2.1. Each application must include a unique reference number. Details of the numbering system are given in the technical specification for electronic transfer of notices.

12.3. Contact Person

12.3.1. All Permit applications must include the contact details, if different from the normal contact number, of any person appointed by the Promoter to deal with any problems that may occur during the activity, including any provision made for out-of-hours contact of the Promoter.

12.3.2. This must include details for Secondary Promoters if collaborative working is in place.

12.4. USRN

12.4.1. Each application must relate to a single street. In this regard, the term 'street' refers to the length of a road associated with an individual USRN. Hence, where a single street on the ground has more than one USRN, separate Permit applications will be required for each USRN relating to the activity.

12.5. Description of activity

12.5.1. A sufficiently detailed description of the activity, in plain English, must be provided to allow the Permit Authority to assess the impact of the activity.

12.5.2. In regard to collaborative working, all Promoters must be identified, and details of the scheme must be provided

12.6. Location

12.6.1. The Promoter must give an accurate location based on National Grid References, (NGR).

12.6.2. In the case of Major activities, start and end NGRs must be supplied as a minimum. If the proposed works deviates from a straight line, for example, follow the curvature of a street, a poly line (line centre of site) will be preferred.

12.6.3. For Standard, Minor and Immediate activities, a centre point NGR must be supplied as a minimum. As with Major activities, a poly line will be preferred when:

- The activities are or trenches are expected to be over 10 metres in length
- Activity locations on the application in the same street are separated
- Activity areas or trenches deviate from a straight line.

12.6.4. In addition, if required, dimensions should be given of the space that will be taken up by the activity in the street including space for the storage of materials, working space, safety zone, provision for pedestrians and traffic management.

12.7. Timing and Duration

12.7.1. Each Permit application must include the proposed start and end dates of the specified activity. Each Permit application should also include the times of day when the activity will be carried out.

12.7.2. Each Permit application must also indicate details of weekend, bank holiday working, where this is required. Each application should include details of night working, if required.

12.7.3. For traffic sensitive streets, details of the times of day the activity is to be carried out must also be provided, including any proposal to work on weekends or Bank Holidays or at night.

12.7.4. If, for a Major activity, the dates on a permit application differ from those on the preceding PAA, the promoter must explain the reason(s) for the change.

12.8. Illustration

12.8.1. Provisional Advance Authorisation applications, Major permit applications and any other activities that pose disruption, must be accompanied by an illustration(s) of the activity and should include details of the activity, and the extent of highway occupancy. The illustration may comprise plans, sections,

digital photographs and similar material. Illustrations should be submitted with the application for Minor activities located on a designated traffic sensitive street.

For Standard, Minor and Immediate activities, illustrations may be provided by the undertaker and they may be requested by the Permit Authority where the activity is likely to result in disruption due to the position, size or the type of activity. Illustrations and technical specifications must be provided for all specified activities where the street has a Special Engineering Difficulty designation or if the Street Authority advises that the activity is proximate to a highway structure.

12.8.2. The Permit Authority may request a disruption effect score. Where this is requested, the Permit Authority will provide the traffic count data to the promoter.

12.9. Technique to be used for Activities

12.9.1. All Permit applications must include details of the planned technique to be used; for example:

- i. open cut;
- ii. no-dig;
- iii. low-dig (e.g. insertion or pipe bursting);
- iv. trench sharing;

This detail is required to allow the Permit Authority to understand what activities are being carried out. The planned method can have implications for the impact on traffic.

12.10. Traffic Management and Traffic Regulation Orders

12.10.1. The Promoter must supply full details of their traffic management proposals including any requirement for action by the Highway Authority such as the need for Temporary Traffic Regulation Orders (TTROs) and approval for portable light signals. Evidence of application/agreement for a TTRO must be provided with the PAA/Permit application.

12.10.2. In the case of the suspension of a parking bay being required, an application by the Promoter must be made to the Highway or Permit Authority as Parking Authority. This must be separate from any Permit application and evidence of the agreement by the relevant Parking Authority must be included in the Permit application.

12.10.3. Applicants should be aware that such action by the Highway Authority may involve additional costs and Promoters should familiarise themselves with the timescales relating to TTRO and parking applications.

12.11. Depth

12.11.1. Promoters must provide their best estimate of the excavation depth of the activity. This may be expressed as a range where appropriate.

12.12. Reinstatement type

12.12.1. Permit applications must indicate wherever possible, whether the proposed activity is intended to be completed with interim or permanent reinstatement or a mixture of both.

12.12.2. Where the activity is completed with an interim reinstatement, a separate Permit application will be required for the permanent reinstatement where this is to be undertaken outside the duration of the Permit.

12.13. Inspection Units

12.13.1. The Promoter is required to indicate the provisional number of inspection units appropriate to the activity in accordance with the rules laid down in the Inspections Code of Practice and in The Street Works (Inspection Fees)(England)(Amendment) Regulations 2004.

12.13.2. Where there is trench sharing, only the Primary Promoter is required to give the inspection units.

13. Permit Conditions

13.1. Applying Conditions

13.1.1. The Permit Scheme allows for the attaching of conditions to Permits. These will be specified in detail on the Permit and will reflect any constraints on the original application. The Permit Authority will consider the impact on road users and the disruption caused by the activity to apply conditions where it deems necessary. The Permit Authority will act reasonably and will consider the promoter's ability to meet their statutory obligations while imposing conditions on the permit.

13.1.2. Not all types of conditions will necessarily be applied to all Permits or PAAs.

13.1.3. However, the Permit Authority can define conditions that will be applied to all Permits.

13.1.4. The Promoter should endeavour to have a copy, either electronic or hard copy, of the current Permit on site for inspection.

13.2. Types of Conditions

13.2.1. The conditions imposed will be selected from and limited to the conditions set out in Statutory Guidance for Highway Authority Permit Schemes– Permit Conditions (2015), or subsequent statutory guidance. Where a condition or conditions are applied to a permit(s), the wording and numbering set out in the Statutory Guidance must be used.

13.3. Applying a Condition to a Permit

13.3.1. Where the Permit Authority considers it necessary and appropriate to impose conditions that differ from the proposals in the permit application, the Permit Authority will state the reasons for this action on their refusal of the permit. The promoter can then choose whether to make a revised permit application or dispute the permit refusal.

If the Permit Authority does not agree with the condition(s) applied or requires additional conditions the application may be either:

- i. Refused with the inclusion of a comment to reflect the changes required;
- or
- ii. Responded to with the issuing of a Permit Modification Request.

The promoter should submit a subsequent permit application with any agreed changes. It is the responsibility of the promoter to ensure the application meets the permit conditions specified by the Permit Authority.

13.3.2. Promoters are encouraged to consider the inclusion of conditions on their permit during the initial application. By doing so, the likelihood of the Permit Authority refusing a permit, with a subsequent re-application could be minimised.

13.3.3. Where a Promoter recognises that multiple conditions should be used, or as indicated by the Permit Authority, all multiple conditions should be included on the permit application.

13.4. Specific Conditions

13.4.1. There may be a unique and exceptional circumstance where a specific circumstance means that an additional condition needs to be added to a permit that is not covered by the text of the conditions set in the statutory guidance. This is referenced as NCT13 in the HAUC Guidance and Statutory Guidance – Conditions (2015).

Any such condition should:

- i. First be agreed with the activity promoter (in line with the respective duties imposed by s59 and s60 of the 1991 Act);
- ii. Be specific to both the circumstances of the particular activity and the locality; falls within regulation 10(2)(a – h);
- iii. Comply with all primary and secondary legislation regulations and that the application of any constraint within a condition does not conflict with the activity promoter's obligations under separate legislation;
- iv. Follow any further DfT statutory guidance;
- v. Have regard to the advice provided in the Highway Authorities and Utilities Committee (England) Operational Guidance for Permit Schemes first issued in 2017;
- vi. Be labelled under electronic transfer of notices reference 13

13.5. Requirements for Immediate Activities

- 13.5.1. Promoters of such activities must contact the Permit Authority by telephone within two hours of beginning work, and by 10am the next working day if work starts outside of working hours.
- 13.5.2. The Promoter shall submit an application for a Permit within two hours of beginning work. If work starts outside of working hours, an application for a Permit must be submitted by 10am the next working day.
- 13.5.3. A full description of activities being carried out should justify why the activity has been categorised as Immediate activities.
- 13.5.4. The Permit Authority may impose further conditions prior to the granting of a Permit where this is required. Imposing such conditions will be in discussion with the Promoter of the activity and will be included in the subsequent Permit.
- 13.5.5. Once granted, the Permit reference number must be prominently displayed on the site information board for each set of activities.

13.6. Breaching of Conditions

- 13.6.1. If the Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit then it may revoke the Permit. Before revoking a Permit, the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.
- 13.6.2. Where it appears to the Permit Authority that a condition has been breached and that the Promoter or a person contracted to act on its behalf has therefore committed an offence it will take action as described in Section 18.

13.7. Avoidance of Conflict with Other Legislation

- 13.7.1. The Permit Authority should try to ensure that any conditions applied to a permit do not conflict with the promoter's obligations under separate legislation or Nationally Significant initiatives, for example Broadband Rollout. The promoter should bring such conflicts to the attention of the Permit Authority, who will then be responsible for resolving the issue with the other body and amending the permit conditions accordingly. All parties should promote safe working practices and act reasonably and responsibly.
- 13.7.2. If the Promoter has safety concerns about conditions set by the Permit Authority it should raise these concerns with the Permit Authority and if necessary challenge the condition.
- 13.7.3. It is a criminal offence for a Promoter or a person contracted to act on its behalf to breach a Permit Condition.
- 13.7.4. Any person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

14. Granting of Permits

14.1. Timing of Permit Issue

- 14.1.1. Where the Permit Authority is content with the proposal, it will Grant a Permit within the response times detailed in Appendix D, via the electronic permit application system.

14.2. Issuing of Permit

- 14.2.1. A Granted Permit will be issued electronically in accordance with the formats given in the Technical Specification of the permit application system with the details placed on the Permit register and copies supplied to any Promoter, Authority or other relevant body that has asked to be informed about activities on a particular street.
- 14.2.2. The Permit will specify in detail the activity it allows and its duration. The start and end dates will be in calendar days to prevent any ambiguity over the duration of the Permit.

14.3. Permit refusal

- 14.3.1. If, after careful consideration, the Permit Authority decides to refuse the PAA or Permit application, the refusal will be issued electronically and where possible using sector agreed refusal codes as approved by HAUC England. An explanation of refusal will be given and discussions with the Promoter may be held regarding amendment to the application.

14.4. Right of Appeal

- 14.4.1. The promoter has a right of appeal, in accordance with the Dorset Council's Dispute Procedure, if it is unable to reach agreement with the Permit Authority over the terms it requested or the conditions attached.
- 14.4.2. In the case of Immediate activities, it may be that the work will have to stop, subject to safety or legal considerations, until the issues are resolved.

14.5. Permit Application Deemed to be Approved

- 14.5.1. If the Permit Authority fails to reply to an application for a Permit or PAA within the designated response times (Appendix D), the Permit or PAA is deemed to be granted in accordance with the terms of the application. The proposed start and end dates, description, location, duration, traffic management, etc., will be included in the permit and associated conditions for the activity and will then be binding on the promoter as they would have, had the permit been granted within the timescale.
- 14.5.2. Breaching the conditions of a deemed Permit or PAA will constitute an offence.
- 14.5.3. No fee will be applied to deemed Permits.

14.6. Inclusion of Conditions

- 14.6.1. Each granted permit will specify in detail the specific activity permitted. The Permit will include all of the conditions attached to the Permit. Where any constraints were provided in the original application, such as work being undertaken during school holidays, such constraints will be included in the conditions attached to the granting of the Permit.

14.7. Permit Unique Reference Number

- 14.7.1. All permits will be given a unique reference number following numbering conventions specified in the technical specification for electronic transfer of notices with cross referencing to linked permits which have been granted.

15. Review, Variation and Revocation of Permit

15.1. Permit Authority Powers

- 15.1.1. Within the Permit Scheme, the Permit Authority has the power, under Regulation 15 of the Traffic Management Permit Scheme (England) Regulations 2007, to review, vary or revoke Permits and Permit conditions on its own or a Promoter's initiative. However, the Permit Authority is under no obligation to let activities run beyond the Permitted period.
- 15.1.2. Any activities that exceed the Permitted duration will be committing an offence and could be subject to New Roads and Street Works Act 1991 Section 74 overrun charges.

15.2. Promoter Revocation

- 15.2.1. If a Promoter wishes to cancel a Permit or withdraw a Permit application for which they have no further use or seeks a revocation of a Permit condition, they should use the cancellation process in the electronic permit application system.

15.3. Changes to a Provisional Advance Authorisation

- 15.3.1. A Provisional Advance Authorisation cannot be varied. Where a Provisional Advance Authorisation has been given, but a full Permit has not been granted and the promoter wants or needs to amend the proposal, then the promoter must inform the Permit Authority immediately of the proposed change and a revised application for a Provisional Advance Authorisation or a Permit should be made.

15.4. Variations

- 15.4.1. If variations are required, then the promoter should contact the Permit Authority as soon as possible to avoid a criminal offence being committed by working without a Permit or working without complying with the Permit conditions.
- 15.4.2. If the variation changes the category of Permit required to a higher category, then the promoter will be required to pay the difference between the relevant Permit fees, in addition to the Permit variation fee. (refer to Appendix E).

15.4.3. The number of such variations will be reported each year, including where variations to higher Permit categories have been required for work for road purposes.

15.5. Timing of Variations

15.5.1. Applications for variation may be made at any time after the Permit has been granted or before and during the activity taking place. Applications for variations must not be made after the end date of the Permit has passed. Applications for variations must include the information set out in Section 10, with the variant information clearly identified.

15.5.2. Where the existing permit has more than 20% of its duration or more than two working days to run, whichever is the longer, the promoter can apply for a variation electronically.

15.6. Telephone Application for a Variation

15.6.1. If 15.5.2 does not apply, then the promoter must telephone the Permit Authority to seek the Permit Authority's initial opinion on granting a variation. If the initial opinion is to accept a variation the promoter may then submit an electronic application for a variation.

15.7. Variations for Immediate Activities

15.7.1. In the event of Immediate activities requiring a series of fault-finding excavations or openings, the following procedure shall apply where it is necessary to undertake activities beyond the initial excavation or opening covered by the first application.

As Immediate activities, the promoter will submit the first permit application within two hours of starting the activity. That first application will contain the location of the initial excavation or opening:

- i. For any further excavations on the same street within 50 metres of the original hole, the promoter will telephone the Permit Authority with the new location. No permit variation will be needed, and no permit charge will apply.
- ii. The promoter will have to apply for a permit variation for the first excavation in each further 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres etc. Standard variation charges can be applied, although the Permit Authority may opt to waive such charges.
- iii. Separate variations will be required for bands going in opposite directions or on opposite sides of the street.
- iv. For additional excavations within each band, the promoter will telephone the Permit Authority with the new location. No permit variation will be needed, and no variation charge will apply.
- v. If the search carries into a different street or a new USRN, then a separate permit application will be needed.
- vi. If the promoter cannot contact the Permit Authority by telephone, it should record the fact and send the message electronically.
- vii. The Permit conditions for Immediate activities may require modification to take account of how the activity develops and of the change of location,

traffic management and working method. This may be initiated by the promoter or the Permit Authority, dependant on the site-specific conditions.

15.8. Information Required for Variation Applications

15.8.1. Applications to vary a Permit or Permit Condition must contain the information in Section 12, with the reasons for the required variation clearly stated.

15.9. Permit Refusal and Modification Requests

15.9.1. Where an application for a permit meets the relevant requirements of the Permit Scheme, the Permit Authority shall grant the permit.

The Permit Authority may refuse an application for a permit or PAA on any or all of the following grounds:

- i. Where granting a permit will conflict with the Highways Authorities statutory duties under NRSWA (Section 59, General duty of the street authority to co-ordinate works) and TMA (Part 2, Network Management by Local Traffic Authorities);
- ii. Where an application for a permit does not meet the relevant requirements of the Scheme, the Permit Authority shall not grant the permit.

15.9.2. Where the Permit Authority is unhappy with the Conditions applied then the application can be refused by issuing either a “Modification Request” or a “Refuse PAA / Permit / Variation” notification with the inclusion of a comment to reflect the changes required recorded on the refusal notification. The promoter can then send a “Modified Application” with all the required Conditions or making further changes to original plans as necessary.

It should be noted that where a Modification Request is given as the response then this is considered a refusal under the Regulations if the promoter does not subsequently submit a modified application with the same start and end date as the original application. The original application will not “deem” if the promoter fails to send a modified application following a Modification Request.

15.9.3. If, following a Modification Request, a modified application is granted with the same proposed start and end dates as the original application then the response period for the modified permit application will be as prescribed in the technical specification for electronic transfer of notices.

15.10. Permit Authority Initiated Review, Variation or Revocation

15.10.1. The Permit Authority may take the initiative to review, vary or revoke Permits where it appears likely that Permit or Permit conditions or Permit Scheme objectives are not likely to be met, through no fault of the promoter. This could be due to unforeseen circumstances (for example, unusual weather or ground conditions) or because of Immediate unplanned activities, leading to a delay in either the start date or the progress of permitted activities. In these circumstances, the promoter is primarily responsible for reporting the delay; however, the Permit Authority may take the initiative in the best interests of road users.

15.10.2. Applications to revoke a Permit or Permit condition must clearly state the reasons.

Refer to Appendix H for the Policy Statement on Permit Authority Review, Variation and Revocation of Permits.

15.11. Review of Permit due to Non-compliance by the Promoter

15.11.1. If the Permit Authority considers that a promoter is failing to comply with the conditions of a permit then it may take action to review, vary or revoke the Permit or Permit Condition. Before revoking a permit or Permit Condition, the Permit Authority will contact the promoter to warn them of its intention and allow the situation to be resolved.

15.12. Waiving of Fees

15.12.1. If the Permit Authority has to revoke a permit through no action, failing or fault on part of the promoter, no fee will be chargeable.

15.13. Suspending or Postponing an Activity

15.13.1. There is no mechanism in the Scheme to formally suspend or postpone a permit, only to vary or revoke one. If the Permit Authority requires a suspension or postponement an activity for which it has already given a permit, but which it intends must happen at a later date, the Permit Authority will contact the promoter and agree that a variation is submitted by the Promoter. There will be no fee for this Permit variation.

15.13.2. If the promoter requires a suspension or postponement of an activity for which it has already received a permit, but which it intends must happen at a later date, then the promoter must submit a Permit Variation request. A fee will apply for this Permit variation.

16. Permit Cancellations

16.1. Cancellation of a Permit

16.1.1. A promoter who wishes to withdraw an application before a Permit is granted or cancel a permit for which they have no further use can use the cancellation notice as specified in the technical specification for electronic transfer of notices.

16.1.2. There is no fee for a cancellation notice, but no refund of the fee paid for issuing the permit will be made.

16.2. Working after a Permit has been Revoked or Cancelled

16.2.1. A promoter will be committing an offence if it continues to work after a permit has been revoked or cancelled.

17. Fees

17.1. Permit Authority's Power to Charge Fees

17.1.1. To meet the costs of introducing and operating the Permit Scheme

Regulation 30 gives the Permit Authority the power to charge a fee in respect of the following:

- i. The application for a PAA;
- ii. The granting of a permit;
- iii. Each occasion where there is a permit variation or the conditions attached;
- iv. Where a permit variation would move an activity into a higher permit category, the promoter will be required to pay the difference between the permit categories as well as the permit variation fee.

17.2. Fee Policy

17.2.1. The Permit Authority will charge the promoters a fee for the above actions in

17.1.1. Permit fees are in Appendix E.

17.3. Fees will Not be Payable

17.3.1. Fees will not be payable in the following circumstances:

- i. By the highway authority in respect of its own activities for road purposes. Records of all permits issued and the fees that could have been levied, will be kept in order to assist in the review of fees.
- ii. Where a permit is deemed to be granted because the Permit Authority failed to respond to an application within the time set down in Appendix D.
- iii. If a permit variation is initiated by the Permit Authority.
- iv. Where the promoter has sent a cancellation before the permit has been approved by the Permit Authority.
- v. Where a permit is granted but subsequently revoked by the Permit Authority before commencement of the specified activities, the Permit Authority shall refund in full any fee charged in accordance with (the Regulations) provided the revocation is not the fault of the permit holder.

17.4. Fee Discounts

17.4.1. The following scenarios will be covered under discounts:

- i. Where the work on a traffic sensitive street is done wholly outside of traffic sensitive times
- ii. Where the activities on different streets are part of the same project (not covering area-wide activities)
- iii. Where two or more activity promoters agree to undertake their activities at the same time, at the same location, under the same traffic management OR trench share to reduce disruption.
- iv. Where the Highway Authority Promoter is collaborating with Statutory Undertakers, those Undertakers will be eligible for the discount.
- v. A discount may be applied where it is demonstrated that an activity provides significant economic benefit to the local authority or Council. For instance, supplies for a new development, or where it is demonstrated that a network investment program is being undertaken to meet customer demand.

17.5. Rate of discount

17.5.1. A discount of 30% will be applied in the above circumstances.

17.6. Option to Waive or Reduce Fees

17.6.1. The Permit Authority retains the option to waive or reduce fees at its discretion.

17.7. Review of fees

17.7.1. The Permit Authority will review its scale of fees annually to ensure that the overall fee income does not exceed the allowable costs.

17.7.2. The outcome of the annual fee reviews will be published and open to public scrutiny.

17.7.3. As far as possible the fees and costs should be matched over a financial year. However, it is recognised that estimating the fee levels will involve incorporating the effect of various factors that will inevitably have a degree of uncertainty around them. In the event that fees and costs do not match the actual outturn for the year in question, adjustments may be made to fee levels for the subsequent years so that across a number of years fees do not exceed the allowable costs.

17.8. Approved scale of fees

17.8.1. The current approved scale of fees is included in the local order for the Permit Authority to operate the Permit Scheme.

17.9. Processing of Fees

17.9.1. Monthly invoices will be issued to each promoter, with all permits referenced.

17.9.2. A summary may be issued to each promoter every month so amounts can be confirmed prior to the invoice being raised.

17.9.3. Any discrepancies in the invoices or challenges will be discussed quarterly and any resulting reconciliation will be done in the next month's invoice.

18. Inspection of Activities

18.1. Inspections

18.1.1. All inspections will comply with Code of Practice for Inspections.

19. Sanctions

19.1. Permit Authority's Policy

19.1.1. Appendix I describes the Permit Authority's policy regarding sanctions. This policy statement should be read in conjunction with this Section 15.

19.2. Undertaking Activities without a Permit

19.2.1. It is a criminal offence for a Promoter, or a person contracted to act on its behalf, to undertake specified activities in a specified street in the absence of a Permit.

19.2.2. Any person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

19.3. Breaching a Permit Condition

19.3.1. It is a criminal offence for a Promoter, or a person contracted to act on its behalf to breach a Permit condition.

19.4. Action by the Permit Authority

19.4.1. Where a Promoter or a person contracted to act on a promoter's behalf undertakes without a permit, activities for which a permit is required, or breaches a permit condition, the Permit Authority may take one or more of the following courses of action depending on the seriousness and persistence of the offences:

- i. Serve a notice requiring that Promoter to take such reasonable steps as detailed in the notice, which may include steps to remove works, to remedy the breach or to minimise or discontinue any obstruction of the street connected with the activities to the satisfaction of the Permit Authority;
- ii. If a Promoter fails to comply with the requirements of such a notice, within the timescales, then the Permit Authority may undertake the specified steps and recover the costs that are reasonably incurred from that Promoter;
- iii. Issue a Fixed Penalty Notice (FPN) against the Promoter in accordance with the Regulations;
- iv. Prosecute the Promoter.

19.4.2. Remedial action could include the removal of the activity; rectify the breach of conditions or discontinuing any obstruction.

19.4.3. In the event that the Permit Authority subsequently considers that an FPN which has been given ought not to have been given, it shall give to the person to whom that notice was given a notice withdrawing the FPN.

19.4.4. Any offences which run alongside to the Permit Scheme under NRSWA will still apply and action will be taken.

20. Dispute Resolution

20.1. General Principles

20.1.1. The Permit Authority and the promoters must use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure. However, it is recognised that occasionally this may not be possible.

20.1.2. Dorset Council welcomes the opportunity to informally resolve disputes before resorting to formal resolution processes

20.1.3. If disputes are not resolved informally within 28 days, they will be referred to SWHAUC or HAUC England as appropriate.

20.1.4. If agreement cannot be reached locally on any matter arising under this permit scheme or the associated Code of Practice or Regulations, then the dispute should be referred on the following basis.

20.2. Straightforward issues

20.2.1. Where the Permit Authority and the promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of regional HAUC for review. That review should take place within ten working days from the date of referral. The Permit Authority will accept the result as binding.

20.3. Complex issues

20.3.1. If the Permit Authority and the promoter(s) involved in the dispute think the issues are particularly complex, HAUC (England) will be asked to set up a review panel of four members - two utilities and two street authorities. One of the four persons will be appointed as Chair of the panel by the HAUC (England) joint chairs.

20.3.2. Each party must make all relevant financial, technical and other information available to the review panel. The review would normally take place within ten working days from the date on which the issue is referred to HAUC (England). The Permit Authority will accept the conclusions of the review panel as binding.

20.4. Adjudication

20.4.1. If agreement cannot be reached by the procedures described, for instance if one or more of the parties does not accept the ruling of the Regional HAUC or HAUC (England) review as binding, the dispute should be referred to independent adjudication provided that the parties agree that the decision of the adjudicator is deemed to be final. The costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them. Where the adjudication route is followed, the parties should apply to the joint chairs of HAUC (England), who will select and appoint the independent adjudicator from suitable recognised professional bodies.

20.5. Arbitration

20.5.1. Disputes relating to matters covered by the following Sections of NRSWA may be settled by arbitration, as provided for in Section 99 of NRSWA;

- i. Section 61 (6) - consent to placing apparatus in protected streets
- ii. Section 62 (5) - directions relating to protected streets
- iii. Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged
- iv. Section 74A (12) - charges determined by reference to duration of works
- v. Section 84 (3) - apparatus affected by major works
- vi. Section 96 (3) – recovery of costs or expenses

21. Registers

21.1. Register for Permit and Street Works

- 21.1.1. The Permit Authority will maintain a register of permits in accordance with regulation 33 and 34, Part 7 of the 2007 Regulations.
- 21.1.2. All information held in the register will be referenced to the USRN and will be Geographic Information System (GIS) based. The Street Works Register will continue to be used to keep record of historical information under Section 53 of NRSWA. This information may be combined with permits information to improve coordination of activities.
- 21.1.3. The permit register and streetworks register will be kept on an electronic system. In accordance with The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 requirement, the permit registers will use Geographic information System (GIS). Permit register will follow this requirement to ensure consistency between all holdings of street related data. Refer to Appendix J for Content of Registers.

21.2. Access to Registers

- 21.2.1. Access to the registers will be in accordance with Regulation 34, Part 7 of the 2007 Regulations.

21.3. Restricted Information

- 21.3.1. Restricted information is anything certified by, or with the authorisation of, the Secretary of State as being restricted information for safeguarding national security or information certified by, or with the authorisation of, an undertaker as being restricted information because its disclosure would, or would be likely to, prejudice the commercial interests of that undertaker, such as a contract under negotiation or tender.
- 21.3.2. The promoter must indicate restricted information on the relevant permit or PAA application.
- 21.3.3. Restricted information will not be shown on Dorset Council website.

21.4. Retention of Information

- 21.4.1. Information will be retained on the registers for a minimum of six years after completion of the guarantee period of the activity referred to in the TMA guidance.

22. Transition Details

22.1. Transition Arrangements

- 22.1.1. The permit regime has been designed to follow closely the processes and timescales of the NRSWA noticing regime.
- 22.1.2. The basic rules of transition from noticing to permitting will apply on all roads where the permit scheme operates.

- i. The permit regime will apply to all activities where the administrative processes, such as application for a Permit or Provisional Advance Authorisation, start after the commencement date;
 - ii. Activities which are planned to start on site more than one month after the changeover date (for Standard, Minor, and Immediate activities) or three months (for Major activities) shall operate under the permit scheme. This means that even if the relevant Section 54, Section 55 or Section 57 NRSWA notice has been sent before the changeover, the promoter will have to cancel these and re-apply for a permit or PAA;
 - iii. If the Promoter has not substantially begun the activity (or phase of activity) one month after the changeover date (for Standard, Minor and Immediate activities) or three months after the changeover date (for Major activities), then the Promoter must cancel the NRSWA notice for that activity (or phase of activity) and apply for a Permit;
 - iv. Any other activities which started under the notices regime will continue under that regime until completion.
- 22.1.3. As required in Regulation 3, the Permit Authority will give a minimum of four weeks' notice of commencement of the scheme, following the Order being made, to all those previously consulted on the permit scheme at which point permit fee charges will be applicable. The issue of FPNs will be suspended for the first month of operation of the Scheme to allow a settling in period.

23. Permit Scheme Monitoring

23.1. Evaluation

- 23.1.1. In accordance with the Regulations, the Permit Authority will monitor and evaluate the Permit Scheme to ensure parity of treatment for all activity promoters and that the scheme meets its objectives.
- 23.1.2. The evaluation of the Scheme shall take place annually for the first three years and at least every third year thereafter.

In evaluating the Scheme, the Permit Authority will consider

- i. Whether the fee structure needs to be changed in light of any surplus or deficit;
- ii. The costs and benefits (whether or not) of operating the scheme; and
- iii. Whether the permit scheme is meeting key performance indicators where these are set out in the Guidance and as otherwise set out in this scheme.

The outcome of each evaluation shall be made available to the persons referred to in regulation 3(1) of the 2007 Regulations within three months of the evaluation.

23.2. Key Performance Indicators

- 23.2.1. A key principle and objective of the Permit Scheme is that it treats all activities covered by the Scheme equally and parity is established between promoters. The Regulations provide for permit schemes to include both street works by statutory undertakers (as defined in NRSWA) and highway works (as defined in Section 86 (2) NRSWA) as works for road purposes.

23.2.2. In order to show that the Permit Authority is operating the Permit Scheme in a fair and equitable way the Permit Authority will apply a set of Key Performance Indicators (KPIs). The Permit Authority will report against these KPIs annually as required by the Regulations for first three years of operations.

23.2.3. KPIs for The Dorset Council Permit Scheme:

1. The number of permit and permit variation applications received and the number granted and the number refused. This will be measured and shown as:
 - i. the total number of permit and permit variation applications received, excluding any applications that are subsequently withdrawn.
 - i. the number granted as a percentage of the total applications made.
 - ii. the number refused as a percentage of the total applications made.
2. The number of conditions applied by condition type. This will be measured and shown as:
 - i. the number of permits issued
 - ii. the number of conditions applied, broken down into condition types.
 - iii. The number of each type being shown as a percentage of the total permits issued.
3. The number of approved revised durations. This will be measured and shown as:
 - i. total number of permits and permit variations granted.
 - ii. the number of requests for revised durations shown as a percentage of permits issued.
 - iii. the number of agreed revised durations as a percentage of revised durations applied for.
4. The number of occurrences of reducing the application period (early starts). This will be measured and shown as:
 - i. total number of permits and permit variations applications made.
 - ii. the number of requests to reduce the notification period shown as a percentage of permits issued.
 - iii. the number of agreements to reduce the notification period as a percentage of revised durations applied for.

23.2.4. The Permit Authority may select additional KPIs in addition to the KPIs above (refer to 23.2.3)

23.2.5. The Permit Authority may add additional key performance indicators in the evaluation report and may adopt other nationally developed key performance indicators such as those developed by HAUC (England).

23.2.6. The Permit Authority may elect to evaluate the scheme on a regular basis to closely monitor the performance of the Scheme. The promoters will be informed of the process in the regular meetings.

Appendix A: Glossary

Activity, Activity Promoter	Covers both utilities' street works and highway authorities' own works. See Promoter.
Additional street data ("ASD")	Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG.
Apparatus	As defined in Section 105 (1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus".
Appeal	Where there is an unresolved disagreement between the activity promoter and the Permit Authority about a Authority's decision or actions the promoter may appeal using the procedure in Section 15
Arbitration	As defined in section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers"
Authority	The relevant local highway authority, which has prepared a permit scheme under section 33(1) or (2) of the Traffic Management Act 2004.
Bank holiday	As defined in Section 98 (3) of NRSWA, "bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated".
Bar hole	A bar hole is used to detect and monitor gas leaks.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
Bridge	As in section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street"
Bridge authority	As defined in section 88(1)(b) of NRSWA, "bridge authority means the authority, body or person in whom a bridge is vested"
BS7666	British Standard number 7666 relating to gazetteers.
Carriageway	As defined in section 329 of HA 1980, "carriageway means a way constituting or comprised in a highway, being a way (other

	than a cycle track) over which the public have a right of way for the passage of vehicles"
Co-ordination Meetings	Quarterly meetings to co-ordinate works in highway authority and neighbouring authorities' roads.
Council	As defined in section 329 of HA 1980, "council means a county council, the Great London Council or a local authority"
Cycle track	As defined in Section 329 of the HA 1980, "cycle track means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot".
Day	In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise.
DfT	Department for Transport.
Emergency works	As defined in section 52 of NRSWA
Electronic transfer of notices	The system for passing notices, permit applications, permits and other information between promoters and the Permit Authority as defined by statutory guidance including any new system that will be introduced to replace the current system, EToN. Current system is EToN defined in the Technical Specification for EToN.
EToN	Current system defined in the Technical Specification for EToN for passing notices, permit applications, permits and other information between promoters and the Permit Authority.
Excavation	"Breaking up" (as defined above).
Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty".
Footpath	As defined in Section 329 of the HA 1980, "footpath means a highway over which the public have a right of way on foot only, not being a footway".
Footway	As defined in Section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only".
Frontager	A person or body occupying premises abutting the street.
Geographical information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface.
HA 1980	The Highways Act 1980.
HAUC(England)	The Highway Authorities and Utilities Committee for England.
Highway	As defined in Section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway".
Highway Authority	As defined in sections 1 and 329 of the HA 1980.
Highway works	"works for road purposes" or "major highway works".

Highways Act 1980	(dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
Immediate activities	immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
KPI (Key Performance Indicator)	One of the DFT performance indicators used to show parity as defined in Regulation 40.
Land	As defined in section 329 of HA 1980, "land includes land covered by water and any interest or right in, over or under land".
Local authority	As defined in section 270(1) of the Local Government Act 1972 and includes the Common Council of the City of London.
Local planning authority	Local planning authority has the same meaning as in the Town and Country Planning Act 1990"
Local register	A local register is a register that is maintained by a single street authority for their own geographic area and will include information on all streets other than those streets that are the responsibility of another street authority
Local street gazetteer	A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility
Main roads	All streets in reinstatement categories 0, 1 and 2 and those streets in categories 3 and 4 which are traffic sensitive for all or part of the time.
Maintainable highway	As defined in section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"
Maintenance	As defined in section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly"
Major activities	As defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 major activities are activities which have been identified in a promoter's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the activity; or activities, other

	than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more".
Major bridge works	As defined in section 88(2) of NRSWA, "major bridge works means works for the replacement, reconstruction or substantial alteration of a bridge"
Major highway works	As defined in section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway - (a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
Major transport works	As defined in section 91(2) of NRSWA, "major transport works means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking"
Minor activities	Are minor works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as those activities other than immediate activities where the planned duration is 3 days or less
Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.
National Grid Reference	Location reference using nationally defined eastings and northings. The format in which it is presented must in all cases match that required by the technical specification for electronic transfer of notices.
National Land and Property Gazetteer (NLPG)	Gazetteer providing a national reference of land and property related Data Nationally consistent street gazetteer (NSG), a database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard
National Street Gazetteer (NSG) –also referred to as Nationally Consistent Street Gazetteer	A database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard.

Network management duty	As stated in Part 2 of TMA.
Notice management system	Notice management systems receive electronic street works notices and are used by street authorities to manage them together with other relevant information.
NRSAWA	New Roads and Street Works Act 1991.
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local highway authorities.
ODD	operational district data
OM (Operational Measure)	One of the permit scheme metrics, see Chapter 14
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street.
Order	Unless otherwise specific, "Order" means a document signed by a person authorised by the Permit Authority to give effect, vary or revoke a permit scheme.
Ordnance Survey Grid	A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey.
OSGR	Ordnance Survey Grid Reference
Permit	The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions.
Permit Authority	The relevant local highway authority, which has prepared a permit scheme under section 33(1) or (2) of the Traffic Management Act 2004.
Permit application	The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (section 55 of NRSWA) given under the Co-ordination regime.
Permit Management System	A computer based system to record permit applications and consents
Prescribed	As defined in Section 104 of NRSWA, "prescribed means prescribed by the Secretary of State by Regulations, which may (unless the context otherwise requires) make different provision for different cases".
Promoter	A person or organisation responsible for commissioning activities in the streets covered by the permit scheme. In the Permit Scheme promoters will be either statutory undertakers or the highway or traffic authority.
Protected street	are defined in NRSWA s61 (1)
Provisional Advance Authorisation (PAA)	The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.
Provisional street	A provisional street is a street that does not yet have an entry in the NSG. Typically, these will be newly created and/ or private streets

Public sewer	Public sewer has the same meaning as in the Water Industry Act 1991
Railway	As defined in section 105(1) of NRSWA, "railway includes a light railway other than one in the nature of a tramway".
Reasonable period	As defined in section 74(2) of NRSWA,
Reasonable times	Reasonable times may be taken to mean normal office hours (08:00 to 16:30, Monday to Friday except Bank Holidays)
Registerable activities	Registerable activities correspond to what are "specified works" in the Traffic Management Permit Schemes (England) Regulations 2007.
Regulations	Means the Traffic Management Permit Scheme (England) Regulations 2007, Statutory Instrument 2007 No. 3372 made on 28 November 2007 and the Traffic Management Permit Scheme (England) (Amendment) Regulations, Statutory Instrument 2015 No. 958 made on 26th March 2015.
Reinstatement	As defined in section 105(1) of NRSWA, "reinstatement includes making good".
Relevant authority	As defined in section 49(6) of NRSWA,
Remedial work	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and the associated regulations.
Road	"Highway".
Road category	This means one of the road categories specified in "Specification for the Reinstatement of Openings in Highways" dated June 2002, as revised or re-issued from time to time.
Road works	Works for road purposes.
Schema	XML) Schemas express shared vocabularies and allow machines to carry out rules made by people. They provide means for defining the structure, content and semantics of XML documents.
Small Openings and Small Excavations	All openings with a surface area of two square metres or less.
Special Engineering Difficulties (SED)	By virtue of section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets or extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Standard activities	Are standard works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007. These are activities, other than Immediate activities, that have a duration of between 4 and 10 days inclusive.
Strategically significant streets (SSS)	Definition given in the 'Permit Schemes – Additional Guidance (January 2013)': "Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street

	Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included]."
Statutory Guidance for Permit Conditions	Means the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions", the most recent publication, issued by the Secretary of State pursuant to section 33(5)(b) of the Traffic Management Act 2004.
Statutory Guidance for Permits	Means the Statutory Guidance for Permits", the most recent publication.
Street	As defined in section 48(1) of NRSWA
Street authority	As defined in section 49(1) of NRSWA,
Street works	As defined in section 48(3) of NRSWA,
Street works licence	As stated in section 50(1) of NRSWA,
Temporary Traffic Regulation Order	This means an Order made under section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984.
Terms, Permit terms	The works promoter specified activity at the specified location at specified times executed in a specified way etc. as defined in a granted, deemed or varied permit.
TMA	The Traffic Management Act 2004.
Traffic	As defined in section 105(1) of NRSWA, "traffic includes pedestrians and animals".
Traffic authority	As defined in section 121A of the Road Traffic Regulation Act 1984:
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".
Traffic flow	The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines.
Traffic Management	Traffic management is dictated by road space/occupation. Permit Scheme Regulations note that: "traffic management arrangements" includes signs, signals, road markings, barriers and other measures which are intended to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).
Traffic order	This means an order made under section 1, 6 or 9 of the Road Traffic Regulation Act 1984
Traffic-sensitive street	This means a street designated by a street authority as traffic sensitive pursuant to section 64 of NRSWA and in a case where a limited designation is made pursuant to section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation

Traffic-sensitive Time	In relation to a traffic-sensitive street, means: the times or dates specified in the case of a limited designation; and any time in any other case.
Traffic sign	As defined in section 105(1) of NRSWA, "traffic sign has the same meaning as in the Road Traffic Regulation Act 1984"
Transport authority	As defined in section 91(1)(a) of NRSWA, "transport authority means the authority, body or person having the control or management of a transport undertaking"
Transport undertaking	As defined in section 91(1)(b) of NRSWA, "transport undertaking means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities, or some of the activities, are carried on under statutory authority"
Trunk road	As defined in section 329 of the HA 1980,
Type 1 (or 2, or 3) gazetteer	As defined in the British Standard BS7666.
Undertaker	As defined in section 48(4) of NRSWA,
Unique street reference number (USRN)	As defined in the British Standard BS7666.
Urgent activities	Are urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
Working day	As defined in section 98(2) of NRSWA,
Works	Street works or works for road purposes.
Works clear	A notice under NRSWA s74(5C) following interim reinstatement.
Works closed	A under NRSWA s74(5C) following permanent reinstatement.
Works for road purpose	As defined in section 86(2) of NRSWA,
Works Promoter	A person or organisation responsible for commissioning activities in the streets covered by the permit scheme. In the Permit Scheme promoters will be either statutory undertakers or the highway or traffic authority.

Appendix B: Dis-applied Sections from NRSWA

Where the Permit Scheme applies, the duties of activity promoters and street authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the Regulations:

NRSWA section		Change	Permit Regulation – Changes
S53	The Street Works Register	Disapplied	Permit regulations prescribe similar provisions for permit registers.
S54	Advance Notice of Certain Works	Disapplied	Replaced by applications for provisional advance authorisation.
S55	Notice of Starting Date	Disapplied	Replaced by applications for permits.
S56	Power to direct timing of Street Works	Disapplied	Replaced by permit conditions and variations, including those initiated by the permit authority.
S57	Notice of Emergency Works	Disapplied	Replaced by applications for immediate activities.
S66	Avoidance of Unnecessary Delay or Obstruction	Disapplied	Replaced by equivalent provisions for permit authorities to require promoters in breach of the permit requirements to take remedial action and failing that for the permit authority to act. 24-hour compliance period to be replaced with a requirement for promoters to comply within a reasonable specified period determined by the circumstances.

Appendix C: Modifications to NRSWA

Where the Permit Scheme applies, Permit Regulations modify the following sections of NRSWA to accommodate the issuing of permits rather than the exchange of notices:

NRSWA section		Change	Permit Regulation – Changes
S58	Restriction on works following substantial road works	Modified	The authority's ability to issue permits with start and end dates replaces directions to start work covered in S 58 (5) to (78). The regulations provide the equivalent of S 58A powers by allowing authorities to take into account whether promoters responded to the S 58 notice by submitting an application for their planned activities.
S58A	Restriction on works following substantial street works	Modified	Schedule 3A is modified to work in conjunction with permits.
S64	Traffic Sensitive Streets	Modified	Permit regulations provide that permit applicant are notified of proposals to designate streets as traffic-sensitive streets.
S69	Works likely to affect other apparatus in street	Effectively Extended	Permit regulations create an equivalent requirement on highway authority promoters.
S74	Charge for occupation of the highway where works are unreasonably prolonged	Modified	Permit regulations make provision to operate in parallel with permits.
S88	Bridge, bridge authorities and related matters	Modified	Modified to work in conjunction with permits.
S89	Public sewers, sewer authorities and related matters	Modified	Modified to work in conjunction with permits.
S90	Provisions as to reinstatement of	Modified	Modified to work in conjunction with permits.

	sewers, drains or tunnels		
S93	Works affecting level crossings or tramways	Modified	Modified to work in conjunction with permits.
S105	Minor Definitions	Modified	Modified to work in conjunction with permits.

Appendix D: Application and Response Times

This section has been included for information only. Reference should be made to the relevant legislation and Codes of Practice for full and up-to-date details.

The Permit Scheme application and response times for dealing with Provisional Advance Authorisation Permit applications and variation applications are set out in the table below.

The times in the table below are measured from the time that the application is received by the Permit Authority.

A 'response' is a decision to grant or refuse a Permit. Where there are reasons for not granting a Permit on the terms applied for, then the response to the applicant will explain the reason why the Permit will not be granted on those terms. 'Days' refer to working days as defined in the regulations.

Activity Type	Minimum Application Period Ahead of Start Date		Minimum Period before Permit expires for application for variation (including extensions)	Response time for issuing a Permit or seeking further information or discussion		Response times for responding to applications for permit variations
	Provisional Advance Authorisation	Application		Provisional Advance Authorisation	Application	
Major	3 Months	10 Days	2 Days or 20% of the original duration whichever is longer	1 Calendar Month	5 Days	2 Days
Standard	N/A	10 Days		N/A	5 Days	
Minor	N/A	3 Days		N/A	2 Days	
Immediate	N/A	2 Hours After		N/A	2 Days	

Appendix E: Fees

The Fees applicable for Permit application, PAAs, and Variations are given provided in the table below:

Permit Application Category	Reinstatement Category	
	Road Category 0, 1 & 2 or Traffic Sensitive	Road Category 3 & 4 and Non-Traffic Sensitive
Provisional Advance Authorisation	£105	£75
Major works - over 10 days and all major works requiring a traffic regulation order	£240	£150
Major works - 4-10 days	£130	£75
Major works – up to 3 days	£65	£45
Standard activity	£130	£75
Minor activity	£65	£45
Immediate activity	£60	£40
Permit Variation	£45	£35

As stated in the document, the fee for a PAA is payable upon **receipt** of the associated permit application. Table below describes the possible scenarios and the applicable charges:

PAA	Permit Application	Charge for PAA
Received and Granted	Not Received	No Charge
Received not Granted	Received and Granted	Charge
Not Received (e.g. when Standard activities move to Major activities)	Received and Granted	No Charge
Received and Granted	Received and Refused	Charge

Appendix F: Discounts

This section gives details of the scenario where a fee discount (30%) will apply. The following scenarios will be covered under discounts -

- i. Where the work on a traffic sensitive street is done wholly outside of traffic sensitive times
- ii. Where the activities on different streets are part of the same project (not covering area-wide activities)
- iii. Where two or more activity promoters agree to undertake their activities at the same time, at the same location, under the same traffic management OR trench share to reduce disruption.
- iv. A discount may be applied where it is demonstrated that an activity provides significant economic benefit to the local authority or Council. For instance, supplies for a new development, or where it is demonstrated that a network investment program is being undertaken to meet customer demand.

Appendix G: Traffic Regulation Orders

LEGISLATION

Provisions governing temporary road closures and traffic restrictions for works or other activities in the street are found in Sections 14–16 of the Road Traffic Regulation Act 1984, (“RTRA 1984”), as amended by the Road Traffic (Temporary Restrictions) Act 1991 and Regulations made under RTRA 1984.

REQUIREMENT FOR AN ORDER OR NOTICE

Whenever works or other activity on the highway:

- i. will prevent any traffic from travelling in any direction which is usually permitted; or
- ii. will prevent any traffic from using a special facility; or
- iii. general waiting or loading / unloading is to be prohibited; or
- iv. where or the use of specific parking arrangements is to be denied, in whole or part; or
- v. some other restriction is to be placed on traffic using the highway; or
- vi. require the suspension of any existing prohibition/restriction and/or provision

then a Temporary Traffic Regulation Order (TTRO) will be required.

Typically, the circumstances requiring a TTRO include but are not limited to:

- i. closing a road to traffic in one or more direction;
- ii. closing a footpath to Pedestrians/Cyclists and or Horses;
- iii. preventing traffic from making a turning movement;
- iv. closing a bus lane or cycle track;
- v. requiring general traffic to travel in a bus lane or contrary to some other prohibition;
- vi. occupying an area within a pay and display or residents parking bay;
- vii. preventing traffic from waiting in non-designated areas to create a works area or to enable displaced traffic to travel past the works on the same or other roads;
- viii. reducing the speed limit in the vicinity of works for safety purposes.

Appendix H: Policy Statement – Permit Authority Review, Variation and Revocation of Permits

The Permit Authority may take the initiative to review, revoke and vary Permits; however, the promoter should have a reasonable expectation that the road space will be available for the activity to be executed.

It is also desirable for road users and public transport operators to have reliable information and to have an expectation that work will be executed as and when planned.

It is reasonable to expect that situations will occur, outside of the control of the Permit Authority, which may cause the Permit Authority to review the Permit and, or the conditions attached to a Permit. It is possible in some circumstances that the Permit Authority may need to change or revoke the Permit or the conditions.

It is the intended policy that the Permit Authority will avoid making such changes other than in exceptional circumstances and such changes will be based on an assessment of impact on road users. It is envisaged that in circumstances where unpredictable events occur, which result in the loss of capacity on the road network or where strategic diversion routes are required to be activated then planned activities may need to be revised, changed, postponed or cancelled.

If circumstances determine that such action is required then the Permit Authority will contact the promoter(s) as soon as possible to alert them to the situation and discuss the possible course of action.

If possible and practicable the Permit Authority will seek to agree changes with the promoter. The Permit Authority will then issue a revised Permit or the promoter may apply for a revised Permit.

It is anticipated that in most cases agreement will be reached, however if agreement cannot be reached and the Permit Authority issues a new Permit, the promoter will have the option of using the dispute resolution procedure.

The fee for revoking and varying Permits will not be charged when the Permit Authority initiates the action described above, unless the promoter applies for a variation which is not directly linked to the cause of the Permit Authorities initiating action.

The policy only applies to unforeseen circumstances and the actions that are reasonably necessary. It does not prevent the Permit Authority from reviewing, varying and revoking a Permit where the Permit Authority considers that a promoter is acting unreasonably and causing unnecessary or avoidable disruption.

Appendix I - Policy Statement Sanctions

It is a criminal offence to fail to obtain a Permit for specified activities, where a Permit is required, or to fail to comply with Permit conditions.

The Permit Authority will seek to resolve problems quickly and effectively by giving direction of what is required to achieve compliance to the relevant promoter.

If possible, situations will be informally resolved. If a quick and informal resolution is not possible then the Permit Authority will serve notice on the promoter giving a clear description of the non-compliance and direction as to the required remedial action to be taken by the promoter, with timescale for the action.

If the promoter does not respond by taking the required action, within the required timescale, then the Permit Authority may carry out the required action and recover all costs reasonably incurred from the promoter.

If non-compliance is serious or persistent then the Permit Authority may issue a Fixed Penalty Notice or initiate legal proceedings against the promoter.

Appendix J: Content of Registers

The permit register held by the Permit Authority will record:

- i. copies of all Provisional Advance Authorisation, permit and permit variation applications submitted to the Permit Authority relating to registerable activities in any street;
- ii. copies of all permits and Provisional Advance Authorisations given by the Permit Authority, including conditions attached as well as all variations to permits and conditions including any permits "deemed" granted;
- iii. copies of all revoked permits, refused Provisional Advance Authorisations and refused permits, together with the reasons for such refusals;
- iv. copies of all notices, consents and directions served by a street authority under section 58 or 58A of NRSWA;
- v. copies of all notices served by a promoter under sections 58 and 58A of NRSWA;
- vi. copies of all notices given under section 74 of NRSWA;
- vii. description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties);
- viii. particulars of notices given by any relevant authority under Schedule 4 of NRSWA;
- ix. particulars of street works licences under section 50 of NRSWA, including details of conditions and changes of ownership and of any NRSWA notices or directions associated with those licenses;
- x. information under section 70(3) and (4A) of NRSWA as to completion of reinstatements;
- xi. particulars of apparatus notified to the street authority under section 80(2) of NRSWA;
- xii. every notice of works pursuant to section 85(2) of NRSWA;
- xiii. details of every street for which the local highway authority are the street authority;
- xiv. details of every street which is a prospectively maintainable highway over which a permit scheme would operate;
- xv. details of every street over which a permit scheme would operate, of which the local authority is aware, which is a highway but for which it is not the highway authority;
- xvi. details of every street which is a) a protected street; b) a street with special engineering difficulties; c) a traffic-sensitive street;
- xvii. the road category of each street;
- xviii. details of every street where early notification of immediate activities is required.

Appendix K: Contact List

For information related to permits, following the commencement of the Scheme, the Traffic Management team can be reached at 01305 221020